



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,724	05/04/2006	Bernd Frey	10191/4458	8222
26646	7590	03/05/2009		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER	ZHANG, JUE
			ART UNIT	PAPER NUMBER
			2838	
			MAIL DATE	DELIVERY MODE
			03/05/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,724	<b>Applicant(s)</b> FREY ET AL.
	<b>Examiner</b> JUE ZHANG	<b>Art Unit</b> 2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 10 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 7 and 9-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 7, 9-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office action is in answer to the response filed on 11/10/2008. Claims 7-15 are pending, of which original claims 7, 12 are amended, claim 8 is cancelled, and claims 14-15 are newly added by the present amendment.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7, 9-12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Odaohhara et al. (US PG Pub No. 20030054229, hereinafter '229).

Claim 7, '229 teaches a device and method (Fig. 1-11) for predicting a remaining lifetime of an electric energy storage ( Abstract; Fig. 1-11 and corresponding texts including [0008][0014][0018-0019][0036][00630066]...) comprising: determining the remaining lifetime by extrapolation via a mathematical model of the energy storage mechanism [0019][0064-0066] (Abstract; Fig. 1-3, 5 and corresponding texts);

adapting continuously a parameter of the mathematical model to a real value over the lifetime of the energy storage mechanism (Fig. 3),

defining the remaining lifetime as a time until reaching any definable limiting values for one of a minimum efficiency and a minimum storage capacity (Fig. 3, 5, 10); indicating the remaining lifetime (Abstract; Fig. 3, 5, 10 and corresponding texts); and when a level falls below a preselectable threshold for the remaining lifetime, providing a warning (e.g., S105)(Fig. 5a, b) [0019][0064-0066] (Abstract; Fig. 3, 5, 10 and corresponding texts).

Claim 12, '229 teach the limitations of claim 7 as discussed above. '229 further teaches the device further comprising a display; a memory; and a processor is programmed to perform the above method [0008][0014][0018-0019][0036][0063] (Fig. 1-2 and corresponding texts).

For claim 9, '229 further teaches calculating and storing at least one of a value for an efficiency of the energy storage mechanism and a value for a storage capacity of the energy storage mechanism at regular intervals on the basis of the mathematical model [0019][0064-0066] (Fig. 3, 5 and corresponding texts).

For claim 10, '229 teaches the limitations of claim 9 as discussed above. '229 further teaches that the at least one of the value for the efficiency of the energy storage mechanism and the value for the storage capacity of the energy storage mechanism are based on at least one of a specifiable charge state and a temperature (Fig. 3, 5 and corresponding texts).

For claim 11, '229 teaches the limitations of claim 10 as discussed above. '229 further teaches that the remaining lifetime is determined by extrapolation from the at least one of the value for the efficiency of the energy storage mechanism and the value

for the storage capacity of the energy storage mechanism and from a minimum value required for a particular application [0064-0066](Fig. 3, 5 and corresponding texts).

Claim 14, '229 teach the claimed invention as discussed above. '229 further teaches that providing a warning when a level falls below a preselectable threshold for at least one of the efficiency of the energy storage mechanism and the storage capacity of the energy storage mechanism [0064-0066](Fig. 3, 5 and corresponding texts).

Claim 15, '229 teach the claimed invention as discussed above. '229 further teaches that wherein at least one of a value for an efficiency of the energy storage mechanism and a value for a storage capacity of the energy storage mechanism at regular intervals is determined based on the mathematical model and stored, wherein the at least one of the value for the efficiency of the energy storage mechanism and the value for the storage capacity of the energy storage mechanism are based on at least one of a specifiable charge state and a temperature, and wherein the remaining lifetime is determined by extrapolation from the at least one of the value for the efficiency of the energy storage mechanism and the value for the storage capacity of the energy storage mechanism and from a minimum value required for a particular application [0064-0066](Fig. 3, 5 and corresponding texts).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odaohhara et al. (US PG Pub No. 20030054229, hereinafter '229).

For claim 13, '229 teaches the limitations of claim 7 as discussed above. '229 further teaches that the electric energy storage mechanism includes a battery (9) for powering a notebook computer [0033][0064](Abstract)(Fig. 1).

'229 does not explicitly teach that the battery or the notebook is in a motor vehicle.

However, it is well understood to one of ordinary in the art at the time of invention that a notebook computer can be used in a motor vehicle for example used by a passenger in a car or bus for mobile computing while the vehicle is moving. Therefore, the subject matter as a whole would have been obvious to one of ordinary skill would have been an obvious to one having ordinary skill in the art at the time the invention was made to have used the notebook computer in a motor vehicle such as a car or bus in order for perform mobile computing as it is well-known to one of ordinary in art at the time of invention that it is a suitable method to have performed mobile computing using a notebook computer in a motor vehicle such as a car or bus.

***Response to Amendment***

6. Applicant's arguments filed 11/10/2008 have been fully considered but are moot in view of a new ground of rejection above.

**Examiner's Note:**

7. Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

8. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUE ZHANG whose telephone number is (571)270-1263. The examiner can normally be reached on M-Th 7:30-5:00PM EST, Other F 7:30AM-5:00PM EST

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akm Enayet Ullah/  
Supervisory Patent Examiner, Art  
Unit 2838

JZ